

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LANCE HOWARD,**  
**Plaintiff,**

**v.**

**Case No. 13-C-1413**

**GREEN BAY CORRECTIONAL  
INSTITUTION, et al.,**  
**Defendants.**

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**ORDER**

Plaintiff Lance Howard, who is presently an inmate at Racine Correctional Institution, has filed a complaint alleging that he is not receiving appropriate mental health care. Along with his complaint, Howard filed a motion for leave to proceed in forma pauperis under 28 U.S.C. § 1915. Before a prisoner may be granted leave to proceed in forma pauperis, he must submit a certified copy of his trust fund account statement for the 6-month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). In this case, Howard has submitted trust-account statements for various periods, but the statements do not cover the entire six-month period immediately preceding the filing of his complaint. For this reason, when the clerk of court received the complaint, a deputy clerk mailed the plaintiff a letter asking him to submit a statement covering the entire 6-month period. After the deputy clerk's letter was sent, the plaintiff mailed a letter to the court in which he asks that the court stop proceeding with this case. The plaintiff says that he is not competent to proceed at this time and seems to indicate that he is unable to provide the court with a trust account statement for the last 6 months. He also asks that the court appoint counsel to represent him.

The plaintiff's letter does not clearly indicate how he would like to proceed. It is possible that he is asking the court to dismiss this case without prejudice so that he can refile it at a more appropriate time. On the other hand, his request for counsel implies that he would like to continue with this case now. In any event, unless the plaintiff files a complete trust account statement for the 6-month period immediately proceeding the filing of the complaint, he cannot continue with this case at this time. Therefore, if the plaintiff wishes to continue with this case at this time, he must file a complete trust account statement for the 6-month period immediately proceeding the filing of the complaint within 21 days of the date of this order. If the court does not receive a complete trust account statement within 21 days, I will dismiss this case without prejudice to the plaintiff's refiling it at a later date.

Accordingly, **IT IS ORDERED** that this case will be dismissed without prejudice unless the plaintiff files a complete trust account statement for the 6-month period immediately proceeding the filing of the complaint within 21 days.

Dated at Milwaukee, Wisconsin, this 9th day of January, 2014.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge